

1 Traeger Machetanz, Esq.
Thomas R. Krider, Esq.
2 OLES MORRISON RINKER & BAKER, LLP
745 Fourth Avenue, Suite 502
3 Anchorage, AK 99501-2136
Telephone: (907) 258-0106
4 Telecopier: (907) 258-5519

5 Attorneys for Nugget Construction Co., Inc.,
6 and USF&G, Defendants

7 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

8 UNITED STATES OF AMERICA for the)
use of NORTH STAR TERMINAL &)
9 STEVEDORE COMPANY, d/b/a NORTHERN)
STEVEDORING & HANDLING, and NORTH)
10 STAR TERMINAL & STEVEDORE COMPANY,)
d/b/a Northern Stevedoring &)
11 Handling, on its own behalf,)

No. A98-009 CIV (HRH)

12 Plaintiffs,)

13 and)

14 UNITED STATES OF AMERICA for the)
use of SHORESIDE PETROLEUM, INC.,)
15 d/b/a Marathon Fuel Service, and)
SHORESIDE PETROLEUM, INC., d/b/a)
16 Marathon Fuel Service, on its own)
behalf,)

17 Intervening Plaintiffs,)

18 and)

19 METCO, INC.,)

20 Intervening Plaintiff,)

21 vs.)

22 NUGGET CONSTRUCTION, INC.; SPENCER)
ROCK PRODUCTS, INC.; UNITED)
23 STATES FIDELITY AND GUARANTY)
COMPANY; and ROBERT A. LAPORE,)

24 Defendants.)
25

NUGGET CONSTRUCTION,
INC.'S AND UNITED STATES
FIDELITY & GUARANTY
CO., INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
AGAINST SHORESIDE
PETROLEUM, INC.

1 Defendants Nugget Construction, Inc., and United States Fidelity
2 & Guaranty, by and through their attorneys, Oles Morrison Rinker &
3 Baker LLP, hereby move for partial summary judgment against plaintiff
4 Shoreside Petroleum, Inc. on all of its federal and state law claims
5 in connection with damages incurred prior to the execution of the
6 Support Agreement on or about April 23, 1997. This motion is
7 supported by points and authorities in the accompanying memorandum.

8 Dated: May 1, 2006

OLES MORRISON RINKER & BAKER LLP
Attorneys for Nugget Construction,
Inc., and United States
Fidelity and Guaranty Co.

12 By: s/Thomas R. Krider

Thomas R. Krider

krider@oles.com

Washington Bar No. 29490

745 West 4th Avenue, Suite 502

Anchorage, AK 99501

Phone: (907) 258-0106

Fax: (907) 258-5519

OLES MORRISON RINKER & BAKER LLP
745 West Fourth Avenue, Suite 502
Anchorage, Alaska 99501-2136
Tel: (907) 258-0106 Fax: (907) 258-5519

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2006, a true and correct copy of the foregoing was served

electronically, via ECF on:

Michael W. Sewright, Esq.

mws@bpbk.com

Burr, Pease & Kurtz

810 N Street

Anchorage, AK 99501

Steven J. Shamburek, Esq.

shamburek@gci.net

Law Office of Steven J. Shamburek

425 G Street, Suite 630

Anchorage, AK 99501-5872

Paul Stockler, Esq.

paulstockler@aol.com

1309 West 16th Avenue

Anchorage, AK 99501

Herbert A. Viergutz, Esq.

barmar@gci.net

Barokas Martin & Tomlinson

1029 West Third, Suite 280

Anchorage, AK 99501

and by U.S. Mail on:

C. Patrick Stoll, Esq.

Herrig Vogt & Stoll LLP

4210 Douglas Bay Blvd., Suite 100

Granite Bay, CA 95746-5902

OLES MORRISON RINKER & BAKER LLP

By: s/Thomas R. Krider

P JAD Motion Summary Judgment Shoreside Pre Support Agremnt 99310.0002.doc

U.S. ex rel. North Star, et al. v. Nugget Construction, et al.

Case No. A98-009 CIV (HRH)

Motion for Summary Judgment Against Shoreside-- Page 2 of 2